IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2699 OF 2005

Premji Ramji Gala. ... Petitioner

Versus.

State of Maharashtra & others. ... Respondents.

Shri Santosh Shetty i/by Shri M.P.Vashi for the Petitioner.

Shri Milind More, A.G.P.for Respondent No.1.

Ms.Poorvi Rane i/by M/s.Utangale & Co. for Respondent No.2.

Shri A.J.Almeida for Respondents Nos.4 & 5.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 20th FEBRUARY, 2006.

P.C.:

1. Heard Shri Shetty in support of this petition.

Shri More appears for Respondent No.1. Ms.Rane appears for Respondent No.2 and Shri Almeida appears for Respondents Nos.4 and 5.

2. The petition seeks to challenge the eligibility of Respondents Nos.4 and 5 in a SRA Scheme which is being developed at village Pahadi, Teen Dongri, Goregaon (West), Mumbai. It is not a disputed fact that the Petitioner had walked out of the premises concerned in the year 1990. It is the Respondents Nos.4 and 5 who are in possession of the concerned structure and they have been held as eligible to get alternative

accommodation when the scheme is developed. Inasmuch as Respondents Nos.4 and 5 were in possession on 1st January 1995, they are alone the persons who are eligible to be recognised for the concerned structure and who will get alternative accommodation when the scheme is developed. Shri Almeida appearing for Respondents Nos.4 and 5 has drawn our attention to the affidavit made by the Petitioner on 3rd July 1992 which is annexed to this very petition, wherein he has stated that he has transferred the premises to one Savla. It appears that from that Savla the premises went to one Furia and finally to Respondents Nos.4 and 5. This being the position, as far as the Petitioner is concerned, he cannot insist that he should be recognised as the party who is entitled to rehabilitation.

Petition is dismissed.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)